

1 HONORABLE BENJAMIN H. SETTLE  
2

3 MICHAEL E. MCFARLAND, JR., #23000  
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8 Attorneys for Defendants

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 W.H., as guardian for her minor  
14 daughter, P.H.; W.H., individually;  
15 J.H., individually; B.M., as guardian  
for her minor daughter, S.A.; and  
B.M., individually,

16 Plaintiffs,

17 vs.

18 OLYMPIA SCHOOL DISTRICT, a  
19 public corporation; JENNIFER  
20 PRIDDY, individually, FREDERICK  
21 DAVID STANLEY, individually,  
22 BARBARA GREER, individually,  
23 WILLIAM V. LAHMANN,  
24 individually, DOMINIC G.  
25 CVITANICH, individually,

26 Defendants.

27 NO. 3:16-cv-05273-BHS

28 NOTICE OF APPEAL FOR  
29 DEFENDANTS JENNIFER PRIDDY,  
30 FREDERICK DAVID STANLEY,  
BARBARA GREER, AND  
WILLIAM V. LAHMANN

31 Notice is hereby given that defendants JENNIFER PRIDDY,  
32 FREDERICK DAVID STANLEY, BARBARA GREER and WILLIAM V.

33 NOTICE OF APPEAL FOR DEFENDANTS OLYMPIA  
34 SCHOOL DISTRICT, JENNIFER PRIDDY, FREDERICK  
35 DAVID STANLEY, BARBARA GREER, WILLIAM V.  
36 LAHMANN AND DOMINIC G. CVITANICH - page 1

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1 LAHMANN in the above named case, hereby appeal to the United States Court  
2 of Appeals for the Ninth Circuit from this Court's "Order Granting in Part and  
3 denying in Part Motion for Summary Judgment" (ECF 39) entered in this action  
4 on August 18, 2017.

5 Pursuant to *Behrens v. Pelletier*, 516 U.S. 299 (1996), and its progeny,  
6 which interpret 28 U.S.C. § 1291, a district court order which denies a claim of  
7 qualified immunity is "immediately" an "appealable 'final decision' within the  
8 meaning of 28 U.S.C. § 1291 notwithstanding the absence of a final judgment"  
9 to the extent the district court decision turns on an issue of law. *Behrens*, 516 U.S.  
10 at 306, 311; *Cunningham v. City of Wenatchee*, 345 F.3d 802, 807-08 (9th Cir.  
11 2003) (In an appeal for denial of qualified immunity claim where factual disputes  
12 exist, "[the Ninth Circuit] resolve[s] all factual dispute in favor of the plaintiff  
13 and look at the purely legal question of whether the defendant's alleged conduct  
14 violated the plaintiff's clearly established constitutional rights.")

15 DATED this 28<sup>th</sup> day of August, 2017.

16 EVANS, CRAVEN & LACKIE, P.S.  
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18 By: s/ Michael E. McFarland, Jr.  
19 Michael E. McFarland, Jr., #23000  
20 Attorneys for Defendants

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30 NOTICE OF APPEAL FOR DEFENDANTS OLYMPIA  
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## CERTIFICATE OF SERVICE

I hereby certify that on 8-28-17, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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